

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MOONSCOOP SAS,)	CASE NO. 1:09CV1885
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
AMERICAN GREETINGS CORPORATION,)	<u>PLAINTIFF'S UNOPPOSED MOTION</u>
)	<u>TO EXTEND DISPOSITIVE MOTION</u>
Defendant/Third Party Plaintiff,)	<u>DEADLINE</u>
)	
v.)	
)	
COOKIE JAR ENTERTAINMENT, INC.,)	
)	
Third-Party Defendant/)	
Counterclaimant/)	
Crossclaimant.)	

Plaintiff/Crossclaim-Defendant MoonScoop SAS (“MoonScoop”) and New Party Crossclaim Defendant Mike Young Productions, LLC (“MYP”), with the consent of all other parties to this action and as a result of MoonScoop and MYP’s lead counsel’s unforeseeable and unexpected illness, respectfully move the Court for a brief, two-week extension of the current February 1, 2010 dispositive motion deadline as set forth in the Court’s December 14, 2009 Case Management Order.

MoonScoop and MYP request that the Court continue the dispositive motion deadline through February 15, 2010 to permit the parties an opportunity to reschedule two depositions scheduled for this week that, by agreement of the parties, will be continued to agreed-upon dates in light of MoonScoop and MYP’s counsel’s illness. The requested extension of time will not require adjustment of any other dates in the Case Management Order except with respect to two-week extensions for dispositive motion oppositions and reply briefs. This is the parties’ first

request for an extension of the dispositive motion deadline: the result of unforeseeable and unavoidable circumstances.

As grounds for this Motion, MoonScoop and MYP state that two dispositive discovery depositions are currently scheduled in advance of the February 1, 2010 dispositive motion deadline: (1) the deposition of American Greetings Corporation's Rule 30(b)(6) deponent on January 27 in Cleveland, Ohio, and (2) the deposition of Joel Vaturi on January 29 in New York, New York. As a result of MoonScoop and MYP's lead counsel's sudden and unavoidable illness, MoonScoop and MYP have requested that these depositions be continued. MoonScoop and MYP's lead counsel's inability to conduct and defend these depositions would severely prejudice MoonScoop and MYP's interests in this case. After conferring with lead counsel (Damond R. Mace and David H. Wallace) for the other parties to this action this morning, all other parties have consented to the requested continuance and relief sought in this Motion. The requested extension will not serve to prejudice any of the parties to this action.

Accordingly, MoonScoop and MYP, with the consent of all other parties to this action, respectfully request that the Court's December 14, 2009 Case Management Order be amended, as follows:

1. Deadline for Dispositive Motions: February 15, 2010.
2. Deadline for Oppositions to Dispositive Motions: March 1, 2010.
3. Deadline for Replies in Support of Dispositive Motions: March 8, 2010.

All other dates set forth in the Case Management Order shall remain.

Respectfully submitted,

/s/ Eric B. Levasseur

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MoonScoop SAS and New Party Crossclaim

Defendant Mike Young Productions, LLC

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically this 26th day of January, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Eric B. Levasseur

*One of the Attorneys for Plaintiff/Crossclaim
Defendant MoonScoop SAS and New Party
Crossclaim Defendant Mike Young Productions,
LLC*